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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

LAURIE PETERSON, an individual,

Plaintiff,

NO.

V.

COMPLAINT

KELLY SERVICES, INC., a Delaware Corporation,

JURY TRIAL DEMANDED

Defendant.

COMES NOW the Plaintiff, Laurie Peterson, by and through her attorneys of record, Lukins & Annis, P.S., and complains and alleges as follows:

I. PARTIES

1.1 Ms. Peterson is a resident of Spokane County, Washington. At all times relevant to this Complaint, Ms. Peterson was an employee of Kelly Services, Inc. (“Kelly Services”) until she was terminated on or about January 20, 2014. Ms. Peterson suffers from Celiac disease, a digestive and autoimmune disorder.

COMPLAINT: 1

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1.2 Kelly Services is a Delaware corporation with its principal place of business located in Troy, Michigan. Kelly Services is registered as a foreign corporation in Washington and transacts business in the Eastern District of Washington.

II. JURISDICTION AND VENUE

2.1 This court has original jurisdiction over this action under 28 U.S.C. §1331 because Plaintiff has asserted causes of action “arising under” federal law.

2.2 This Court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1337.

2.3 Venue is proper in this Court under 28 U.S.C. § 1331(a) because a substantial part of the event or omissions giving rise to this claim occurred in this District.

III. STATEMENT OF FACTS

3.1 In June 2012, Kelly Services hired Ms. Peterson as a Staffing Supervisor at its office in Spokane, Washington.

3.2 On information and belief, Kelly Services employs 15 or more employees for at least 20 calendar weeks of the year.

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1 3.3 Ms. Peterson performed her duties well for Kelly Services. Indeed,
2 she received positive reviews, a pay raise, and multiple awards from the Regional
3 Vice-President.
4

5 3.4 Ms. Peterson served as the interim District Manager in the fall of 2013
6 while Kelly Services searched for a new District Manager.
7

8 3.5 In November 2013, Kelly Services hired Teresa Bruce as the new
9 District Manager in the Spokane office. As District Manager, Ms. Bruce directly
10 supervised Ms. Peterson.
11

12 3.6 On Ms. Bruce's first day of work, she learned that Ms. Peterson
13 suffers from Celiac disease. Celiac disease is a digestive and autoimmune disorder
14 that results in damage to the lining of the small intestine when certain foods are
15 eaten, and causes digestive problems, fatigue, and anemia.
16

17 3.7 Shortly after Ms. Bruce learned that Ms. Peterson suffers from Celiac
18 disease, Ms. Bruce began targeting Ms. Peterson and treating her differently than
19 other similarly-situated employees in the terms and conditions of her employment,
20 including but not limited to changing Ms. Peterson's work schedule.
21

22 3.8 In December 2013, Ms. Peterson complained to upper management,
23 including Kelly Services' Human Resource Manager Adrienne Rubel and Regional
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COMPLAINT: 3

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1 Vice President Eli Rodriguez, about the disparate treatment she sustained at the
 2 hands of Ms. Bruce.

3 3.9 Ms. Bruce's disparate treatment of Ms. Peterson caused her stress and
 4 anxiety, which aggravated Ms. Peterson's Celiac-related symptoms. As a result, in
 5 mid-January 2014, Ms. Peterson requested a reasonable accommodation to
 6 alleviate her Celiac-related symptoms. Specifically, Ms. Peterson requested that
 7 her schedule be reset to between 8:00 a.m. and 5:00 p.m. – *i.e.*, the same shift she
 8 worked before it was changed, which did not cause complications with her Celiac
 9 disease.

10 3.10 In response to Ms. Peterson's accommodation request, Kelly Services'
 11 Human Resource Manager Adrienne Rubel asked Ms. Peterson to have her
 12 physician fill out a questionnaire and return it.

13 3.11 After Ms. Peterson requested the accommodation, Ms. Bruce warned
 14 Ms. Peterson against continuing to pursue the accommodation. Ms. Bruce
 15 instructed Ms. Peterson to take unpaid leave under the Family Medical Leave Act
 16 ("FMLA") to deal with her Celiac disability rather than seek an accommodation.

17 3.12 Following this exchange, Ms. Peterson complained to upper
 18 management about Ms. Bruce's efforts to force Ms. Peterson to take FMLA leave
 19 rather than ask for a reasonable accommodation.

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 COMPLAINT: 4

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3.13 Instead of granting Ms. Peterson's accommodation request, engaging in any collaborative process to identify another reasonable accommodation, or addressing Ms. Peterson's complaints about Ms. Bruce's behavior, Kelly Services terminated Ms. Peterson on January 20, 2014.

IV. CAUSES OF ACTION

First Cause of Action: Failure to Accommodate Under the Americans with Disabilities Act (42 U.S.C. § 12112) and the Washington Law Against Discrimination (Chapter 49.60 RCW)

4.1 Ms. Peterson reasserts and incorporates the preceding paragraphs as if fully set forth herein.

4.2 Ms. Peterson suffers from Celiac disease, a digestive and autoimmune disorder which constitutes a disability under both federal and state law.

4.3 Ms. Peterson was qualified to perform the essential functions of the position of Staffing Supervisor.

4.4 Among other things, Ms. Peterson's disability substantially limited her ability to work and/or perform the position of Staffing Supervisor as enforced by Ms. Bruce.

4.5 Ms. Peterson gave Kelly Services notice of her disability and its accompanying limitations, and requested reasonable accommodation for her disability that would enable her to perform the essential functions of her position.

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4.6 Ms. Peterson's requested accommodation was reasonable and/or medically necessary to accommodate Ms. Peterson's disability and did not impose an undue hardship on the operation of Kelly Services' business.

4.7 Kelly Services refused to provide Ms. Peterson's requested accommodation or participate in a collaborative process to identify another reasonable accommodation that was available to Kelly Services and/or medically necessary to accommodate Ms. Peterson's disability.

4.8 Furthermore, Kelly Services tried to force Ms. Peterson to work under conditions that aggravated her condition, demanded that she take unpaid leave under the Family Medical Leave Act to deal with her condition, and terminated Ms. Peterson's employment when she continued to seek a reasonable accommodation and complained about Kelly Services' refusal to accommodate her disability.

4.9 As a result of Kelly Services' actions and omissions, Ms. Peterson has suffered and continues to suffer damages in an amount to be proven at trial.

Second Cause of Action: Discrimination under the Americans with Disabilities Act (42 U.S.C. § 12112) and the Washington Law Against Discrimination (Chapter 49.60 RCW)

4.10 Ms. Peterson reasserts and incorporates the preceding paragraphs as if fully set forth herein.

COMPLAINT: 6

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1 4.11 Ms. Peterson has a disability and is a disabled person.

2 4.12 Kelly Services was aware of Ms. Peterson's status as a disabled
3 person at all pertinent times mentioned herein.
4

5 4.13 Ms. Peterson was qualified to perform the essential functions of the
6 position of Staffing Supervisor.
7

8 4.14 In violation of federal and state law, Ms. Peterson suffered disparate
9 treatment and adverse employment action by Kelly Services, including but not
10 limited to discriminatory treatment by Ms. Bruce and termination of employment
11 because of her protected status as an employee with a disability.
12

13 4.15 Ms. Peterson was doing satisfactory work at the time of the adverse
14 employment action(s), and upon information and belief, Ms. Peterson was replaced
15 by a non-disabled employee.
16

17 4.16 Kelly Services' purported basis for the disparate treatment and
18 termination of Ms. Peterson was merely a pre-textual excuse for its unlawful and
19 discriminatory treatment of Ms. Peterson.
20

21 4.17 Ms. Peterson's status as a disabled person was a substantial
22 motivating factor in Kelly Services' disparate treatment and termination of Ms.
23
24 Peterson.
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COMPLAINT: 7

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1 4.18 As a result of Kelly Services' unlawful actions, Ms. Peterson has
2 suffered and continues to suffer damages in an amount to be proven at the time of
3 trial.
4

5 **Third Cause of Action: Retaliation under the Americans with Disabilities Act**
6 **(42 U.S.C. § 12203) and the Washington Law Against Discrimination**
7 **(Chapter 49.60 RCW)**

8 4.19 Ms. Peterson reasserts and incorporates the preceding paragraphs as if
9 fully set forth herein.

10 4.20 Ms. Peterson engaged in behaviors protected under federal and state
11 law by requesting a reasonable accommodation for her disability, and complaining
12 about illegal discriminatory behaviors. Kelly Services had knowledge of Ms.
13 Peterson's protected activities.

14 4.21 Kelly Services unlawfully retaliated against Ms. Peterson for
15 engaging in this protected behavior by, among other things, terminating Ms.
16 Peterson's employment.

17 4.22 Ms. Peterson's protected activities were a substantial motivating
18 factor in Kelly Services' decision to take adverse employment action against Ms.
19 Peterson.
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COMPLAINT: 8

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4.23 Kelly Services' purported basis for Ms. Peterson's termination was merely a pre-textual excuse for its unlawful and discriminatory treatment of Ms. Peterson.

4.24 As a result of Kelly Services' unlawful actions, Ms. Peterson has suffered and continues to suffer damages in an amount to be proven at the time of trial.

V. PUNITIVE DAMAGES

5.1 Ms. Peterson reasserts and incorporates the preceding paragraphs as if fully set forth herein.

5.2 Kelly Services' actions and omissions described herein represent intentional conduct. Kelly Services engaged in this conduct with malice and/or with reckless indifference.

5.3 Ms. Peterson is entitled to punitive damages under 42 U.S.C. § 1981a and other applicable law.

VI. JURY DEMAND

Ms. Peterson demands that all issues of fact raised by this Complaint be tried to a jury.

VII. PRAYER FOR RELIEF

Ms. Peterson prays for judgment against Kelly Services as follows:

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1. For a judgment against Kelly Services on all claims;
2. For an award of damages for lost back and front wages and emotional distress, in such amounts as may be proven at the time of trial;
3. For an award of punitive damages, under applicable law, in such amount as determined at the time of trial;
4. For an award of pre- and post-judgment interest at the highest rate allowable under the law;
5. For reasonable attorney's fees and costs as provided by 42 U.S.C. § 12205, Washington's Law Against Discrimination, or any other applicable basis in law or equity;
6. Such other and further relief as appears equitable to the Court at the time of trial.

DATED this 24~~14~~ day of March, 2015.

LUKINS & ANNIS, P.S.

By 

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Attorneys for Plaintiff
Laurie Peterson

COMPLAINT: 10

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